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DONALD J. TRUMP,
PRESIDENT OF THE UNITED STATES *et al.*,
Petitioners,

v.

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, *et al.*,
Respondents.

DONALD J. TRUMP,
PRESIDENT OF THE UNITED STATES *et al.*,
Petitioners,

v.

STATE OF HAWAII, *et al.*,
Respondents.

On Writs of Certiorari to the United States Court of Appeals for the Fourth and Ninth Circuits

BRIEF OF HOWARD UNIVERSITY SCHOOL OF LAW CIVIL RIGHTS CLINIC, ALONG WITH UNIVERSITY PROFESSORS AND HIGHER EDUCATION ASSOCIATIONS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS INTERNATIONAL REFUGEE ASSISTANCE PROJECT, *ET. AL.*

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TABLE OF CONTENTS

Page

CORPORATE DISCLOSURE STATEMENT..... i

TABLE OF AUTHORITIES..... v

STATEMENT OF INTEREST..... 1

ARGUMENT..... 2

I. THE EXECUTIVE ORDER INFLICTS IRREPARABLE HARM BY DIMINISHING THE STRENGTH AND MISSION OF AMERICAN INSTITUTIONS OF HIGHER EDUCATION WHICH THRIVE ON DIVERSITY AND THE FREE EXCHANGE OF IDEAS ACROSS BORDERS, INCLUDING FROM STUDENTS AND SCHOLARS FROM MUSLIM-MAJORITY COUNTRIES..... 3

A. Diverse Students and Scholars from Muslim-majority Countries Contribute to the Free Exchange of Ideas that Strengthen Institutions of Higher Education in the United States..... 3

B. The Executive Order Has Adversely Impacted U.S. Colleges and Universities' Research, Capital, and Recruitment of Talented Students and Scholars..... 7

C. The Executive Order Adversely Impacts American Higher Education's Crucial Role in Building Mutual Cross-Cultural Understanding Which Enhances Friendly Relations Between Nations..... 13

TABLE OF CONTENTS—Continued

Page

II. THE EXECUTIVE ORDER INFLICTS IRREPARABLE HARM BY LEGITIMIZING ANTI-MUSLIM SUSPICION AND ANTAGONISM THAT HAS LED TO INCREASED HATE INCIDENTS AND VIOLENCE AGAINST MUSLIM-AMERICAN AND FOREIGN MUSLIM FACULTY, STAFF AND STUDENTS ON UNIVERSITY AND COLLEGE CAMPUSES ACROSS THE COUNTRY... 20

CONCLUSION 29

APPENDIX

APPENDIX A: List of Higher Education Association Signatories 1a

APPENDIX B: List of University Professor Signatories 6a

TABLE OF AUTHORITIES

CASES Page(s)

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Amici curiae, the Howard University School of Law Civil Rights Clinic,[1] along with University Professors and Higher Education Associations (listed in Appendix B), submit this proposed brief as *amici curiae* in support of the Respondents in this case. *Amici* all share a common interest in ensuring that the President's March 6 Executive Order does not have an adverse impact on the diversity that strengthens the learning environment at institutions of higher education. We respectfully submit this brief in support of Respondents in the belief that any analysis of the constitutionality of the discriminatory impact of the March 6 Executive Order must take into account the impact upon Muslim students and scholars and the American institutions of higher education that serve them. The CRC urges the Court to award the relief requested by Respondents.[2]

STATEMENT OF INTEREST

Amici curiae are the Howard University School of Law Civil Rights Clinic, along with University Professors and Higher Education Associations. As one of the oldest among historically black colleges and universities, Howard University School of Law has long placed the defense of human rights, equality, and

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[1] Counsel obtained consent from the counsel of record for the respondents, International Refugee Assistance Project, *et. al.*, and the State of Hawaii, *et. al.*, to file this amicus brief. The views expressed by Howard University School of Law's Civil Rights Clinic are not necessarily those of Howard University or the School of Law.

[2] No party or party's counsel authored this brief in whole or in part or contributed money intended to fund preparing or submitting this brief. No person, other than *amici*, their members, or counsel, contributed money intended to fund preparing or submitting this brief.

dignity at the heart of its educational practice. While Howard is often referred to as one of the nation's premier historically Black universities, the University's mission has always been to provide a premier education to all regardless of race, nationality, ethnic origin or gender. Our history and experience in student diversity has also been driven by the clear-eyed acknowledgement that institutions of higher education only flourish when there is diversity of thought and ideas, which is facilitated through diverse scholars, faculty, staff and students.

Howard University School of Law Civil Rights Clinic along with interested university professors and higher education associations serve the unique role of providing this Court with the irreparable harm that the Executive Order will have, and is currently having, on our institutions. Specifically, the Executive Order impacts the strength and mission of institutions of higher education through its diminishment of the diversity and number of international students and scholars, and its legitimization of anti-Muslim suspicion and antagonism which has led to an increase in hate crimes at institutions of higher learning.

ARGUMENT

As the U.S. Supreme Court has held, a petitioner seeking a preliminary injunction must demonstrate that "he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). With this brief, *Amici* seek to provide important insight into how the March 6, 2017 Executive Order *Protecting the Nation From Foreign Terrorist Entry Into The United States* (hereinafter

"Executive Order") inflicts irreparable harm on the respondents, as well as American institutions of higher education, by restricting the free exchange of ideas and persons across borders and by legitimizing anti-Muslim suspicion and antagonism that has led to increased hate incidents and violence against Muslim-American and foreign Muslim faculty, staff and students on university and college campuses across the country. 82 Fed. Reg. 13,209. *Amici* also seek to demonstrate that the public interest lies firmly in support of injunctive relief, as America thrives when foreign scholars and students are able to freely exchange ideas across borders with U.S. students and scholars in American institutions of higher learning free from antagonism and violence.

I. THE EXECUTIVE ORDER INFLICTS IRREPARABLE HARM BY DIMINISHING THE STRENGTH AND MISSION OF AMERICAN INSTITUTIONS OF HIGHER EDUCATION WHICH THRIVE ON DIVERSITY AND THE FREE EXCHANGE OF IDEAS ACROSS BORDERS, INCLUDING FROM STUDENTS AND SCHOLARS FROM MUSLIM-MAJORITY COUNTRIES.

A. Diverse Students and Scholars from Muslim-majority Countries Contribute to the Free Exchange of Ideas that Strengthen Institutions of Higher Education in the United States.

American colleges and universities regularly rank among the highest in the world[3] and attract students

[3] *See World Univ. Rankings 2016-2017,* Times Higher Educ., https://www.timeshighereducation.com/world-university-rankings/2017/world-ranking# (last visited Sep 15, 2017).

and scholars from around the world because of their global reputation for excellence and inclusion. The free exchange of ideas, students and scholars across borders is a hallmark of American higher education and is essential for U.S. colleges and universities to maintain excellence in their teaching, scholarship and research and to provide a diverse and comprehensive academic experience for students. As the Supreme Court has recognized, U.S. colleges and universities have a compelling interest in obtaining the educational benefits that flow from a diverse student body. *Grutter v. Bollinger*, 539 U.S. 306, 343 (2005) (holding that diversity is a compelling interest that can justify the narrowly tailored use of race in selecting applicants for admission to public universities and that the University of Michigan law school's race-conscious admissions program was sufficiently tailored to achieve that goal). These educational benefits include preparing students for an increasingly global marketplace through exposure to widely diverse people, cultures, ideas and viewpoints.[4]

The Executive Order temporarily banning travel into the United States from nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen undermines American universities' ability to attract and admit students and scholars from Muslim-majority nations and threatens their mission to prepare students for a global marketplace through exposure to scholars and students from every region of the planet, including from Muslim-majority nations. The Executive Order also threatens American colleges and universities' ability to conduct the best research, to produce the best scholarship, and to provide the best instruction by

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[4] *Grutter v. Bollinger* at 330.

drawing from faculty and scholars from every region of the planet, including from Muslim-majority nations.

During the 2015-16 academic year, 108,227 international students and scholars from the Middle East and North African ("MENA") region studied, researched and taught at American universities and colleges.[5] This was slightly more than ten percent of the 1,043,839 international students and scholars at United States colleges and universities in the 2015-16 academic year.[6] MENA countries covered by the travel ban collectively sent 15,165 students and scholars to the U.S. – 12,269 Iranians, 1,514 Libyans, 783 Syrians, and 599 Yemenis. The other two listed countries, Somalia and Sudan, respectively sent 35 and 253 international participants to the United States out of the 7,690 visiting students and scholars from the East African region. All of the listed countries are Muslim-majority countries, so the travel ban has an outsized impact upon the presence of foreign Muslim students and scholars at American institutions of higher learning.[7]

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[5] Institute of International Education, *International Student Totals by Place of Origin 2014/15- 2015/16*, Open Doors Data (2016), http://iie.org/Research-and-Publications/Open-Doors/Data/International-Students/All-Places-of- Origin/2014-16.

[6] *Id.*

[7] According to CIA World Factbook, the Muslim populations are estimated as follows: Iran - 82 million (99.4%); Libya - 6.3 million (96.6%); Syria – 16.6 million (97%); and Yemen – 27 million (99.1%). The CIA World Factbook does not have the specific percentage of the population that practices Islam in Somali and Sudan, as it is the official religion of these nations. One can presumptively estimate Muslim populations to be around 10 million and 36 million respectively. CIA, *The World*

The impact of a decline in international students and scholars at American institutions of higher learning cannot be overstated. International students and scholars contribute to the international diversity and inclusion that defines the American educational experience. International students and scholars contribute to enhanced knowledge and global understanding through their teaching, scholarship, research, and contributions both inside and outside of the classroom. The presence of internationally diverse scholars and students on U.S. campuses facilitates important academic discussion, exploration, and understanding that can only occur through exposure to individuals with varying, cultural, religious and national backgrounds, and life experiences. Interactions with diverse faculty and scholars provides the opportunity for students and faculty alike to have their assumptions challenged and to expand their understanding through exposure to people with beliefs different from their own.

For example, Iranian-American Howard University School of Law Student, **SR** astutely notes her concern that:

> many Americans are not exposed to different cultures. The travel ban only further prevents Americans from being exposed to an educational experience that could diminish their fear and ignorance about an entire culture and religion.[8]

In an era where ideological and violent conflicts abound around the planet, greater exposure to people

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Factbook, CIA.gov, https://www.cia.gov/library/publications/the-world-factbook/ (last updated as of Mar. 28, 2017).

[8] Statement on file with Counsel

with beliefs different from one's own is needed to contribute to global cross-cultural understanding.

B. The Executive Order Has Adversely Impacted U.S. Colleges and Universities' Research, Capital, and Recruitment of Talented Students and Scholars.

Uncertainty regarding whether the 90-day ban will become permanent has caused students and scholars who otherwise might come to the United States to reconsider their options. In a recent survey conducted by the American Association of Collegiate Registrars and Admissions Officers ("AACRAO"), nearly forty percent of 250 surveyed colleges and universities reported a decrease in applications from international students, with the highest declines in applications from students from the Middle East.[9] Thirty-nine percent of surveyed institutions report a decline in undergraduate applications for Fall 2017 from the Middle East and thirty-one percent of institutions report a decline in graduate applications for Fall 2017 from the Middle East.[10]

International student recruitment professionals report a great deal of concern from students and families around the globe, with seventy-nine percent of the concerns raised from the Middle East.[11] For example, Muslim Howard University School of Law Student, **FS** astutely notes his concern that:

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[9] AACRAO, *Trending Topics Survey: International Applicants for Fall 2017- Institutional and Applicant Perceptions*, 1 (Mar. 13, 2017), http://www.aacrao.org/docs/default-source/TrendTopic/Immigration/intl-survey-results-released.pdf

[10] *Id.* at 2.

[11] *Id.*

> As a Muslim student at Howard Law School, I had suggested to the administration to allow me to recruit other students from Muslim-majority countries. Now, I cannot do that because, in all honesty, I do not want them to live in the U.S. with the fear of not being able to travel.[12]

Nearly half of graduate schools have reported a drop in international students and the President of the Council of Graduate Schools stated that graduate deans are describing a "chilling effect" on applications.[13]

The timing of the Executive Order had a damaging impact on both the size of the applicant pool and the yield of admitted applicants. The January 27 Executive Order was announced as deadlines approached for many graduate programs and the March 6 Executive Order was instituted just as applicants were making enrollment decisions prior to the April 15 deadline.[14] The AACRAO survey stated that among the most frequently raised concerns by international applicants and their families are: (1) a perception that the climate in the U.S. is now less welcoming to students from other countries, (2) concerns that benefits and restrictions around visas could change around the ability to travel, re-enter after travel, and

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[12] Statement on file with Counsel.

[13] Stephanie Saul, *Amid Trump Effect Fear, 40% of Colleges See Dip in Foreign Applicants*, New York Times (Mar. 16, 2017), https://mobile.nytimes.com/2017/03/16/us/international-students-us-colleges-trump.html.

[14] *Id.*

obtain employment, and (3) concern that the travel ban will expand to include additional countries.[15]

The anti-immigrant and anti-Muslim rhetoric of the Trump presidential campaign and the issuance of the Executive Orders, are the source of these concerns, the corollary drop in applications and the anticipated drop in international student enrollment. If American universities are unable to guarantee international students and scholars that they will be able to obtain visas and re-enter the United States after going abroad to visit family or to conduct research and attend symposia, American universities will be unable to attract the best foreign talent and will struggle to maintain the diversity of experience and expertise that make U.S. institutions of higher education world class leaders.

The travel ban has already created problems for many foreign-born medical students hoping to come to the United States or to return to the United States to continue their post-medical school training in residency programs at U.S. medical institutions. The Chair and CEO of the National Residency Match Program (NRMP), a non-profit that organizes the match between students and hospitals, released a statement expressing concern that foreign medical students with valid visas would be delayed or not admitted at borders.[16] The same concern applies to newly matched residents who must apply for a visa or seek to renew a visa. Most of the three to five year

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[15] AACRAO, *supra* note 9, at 2.

[16] Kathleen Struck, *'Match Day' For Foreign Medical Students Runs Into US Travel Ban*, VOA News (Mar. 18, 2017), http://www.voanews.com/a/us-medical-residency-programs-trump-travel-ban/3771735.html.

long residency programs begin on July 1, and many U.S. medical institutions feared that the Executive Order would prevent foreign students from beginning their residencies on time.[17] Similarly, Indiana University-Purdue University Indianapolis planned to welcome the first class of Iranian graduate students to their campus as part of a new engineering program, established in partnership with the University of Tehran, but they had to put the program on hold because the students could not secure visas.[18]

In addition to negatively impacting international students and scholars who visit universities for the entire academic year, the Executive Order also negatively impacts academic researchers who participate in academic exchanges that are crucial to fulfilling the research mission of American institutions of higher learning. The Executive Order prevents foreign scholars and students studying and teaching in the United States from participating in foreign research and academic exchanges, out of fear that they will be unable to re-enter the country. More than 43,000 academics and researchers, including over 31,000 US faculty members, 62 Nobel Laureates, 521 Members of the National Academies of Sciences, Engineering, and the Arts, and 142 winners of the Pulitzer Prize, MacArthur Fellowship, Fields Prize and other prestigious academic awards signed a petition making their view clear that the Executive Order limits "collaborations with researchers from these nations by restricting entry of these researchers

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[17] *Id.*

[18] Collin Binkley, *Travel Ban Throws Research, Academic Exchange Into Turmoil*, AP News (Jan. 31, 2017), http://bigstory.ap.org/article/43b52752391f45c8a416ec6f8928a02c/travel-ban-throws-research-academic-exchange-turmoil.

to the U.S. and can potentially lead to the departure of many talented individuals who are current and future researchers and entrepreneurs in the U.S."[19]

Many U.S. scholars fear that the gains that the United States has made with research in the Middle East will be undermined by the Executive Order.[20] Research with scholars in the Middle East is wide-ranging. The National Institutes of Health reports that U.S. and Iranian researchers have teamed up to study cancer, heart disease, hepatitis, and opiate addiction.[21] An HIV researcher at Harvard Medical School reports that the Executive Order has placed her critical collaboration with Iranian counterparts into question, as well as the ability of an Iranian colleague to teach at Harvard Medical School.[22] Students at Columbia Law School's Human Rights Clinic have been working with researchers at a think tank in Yemen to study the health consequences of civil war. They planned to move their conference from New York to Canada because Yemeni researchers would not be able to attend.[23] International scholars have also advocated the boycott of academic conferences held in the United States, in solidarity with those impacted by the restrictions. Shortly after the January Executive Order, 3,000 international scholars signed a pledge committing themselves to boycott academic conferences held in the United States during

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[19] *Academics Against Immigration Executive Order*, https://notoimmigrationban.com/ (last visited Sep. 15, 2017).

[20] Binkley, *supra* note 18.

[21] *Id.*

[22] *Id.*

[23] *Id.*

the pendency of the Administration ban.[24] By March 6, the day that the new Executive Order was released, more than 6,600 international scholars had joined the call for a boycott.[25] Nicholas Dirks, the Chancellor of the University of California-Berkeley, believes that the ban gives an advantage to countries that compete with the United States for scholars and "allowing them to replace [the United States] as the prime destination for the most talented students and researchers would cause irreparable damage and help them to achieve their goal of global leadership."[26]

The Executive Order also has a negative economic impact on U.S. institutions of higher education, and by extension the United States. According to a report by the Brookings Institution, foreign students contributed $56.5 Billion in tuition and $39.1 Billion in living expenses from 2001-2012.[27] A Study by NAFSA: Association of International Educators determined that international students contributed $32.8 Billion to the U.S. economy, and supported 400,000 jobs in the

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[24] Elizabeth Reddin, *In Protest of Trump Entry Ban, Some Scholars are Boycotting U.S.-Based Conferences*, Inside Higher Education (Jan. 31, 2017), https://www.insidehighered.com/news/2017/01/31/protest-trump-entry-ban-some-scholars-are-boycotting-us-based-conferences.

[25] "In Solidarity with People Affected by the 'Muslim Ban': Call for an Academic Boycott of International Conferences Held in the US," https://docs.google.com/forms/d/e/1FAIpQLSeNN_2HHREt1h-dm_CgWpFHw8NDPGLCkOwB4lLRFtKFJqI25w/viewform (last visited Sep. 15, 2017).

[26] Reddin, *supra* note 24.

[27] Neil G. Ruiz, *The Geography of Foreign Students in U.S. Higher Education: Origins and Destinations*, Metropolitan Policy Program at Brookings Institution, 9 (August 2014), https://www.brookings.edu/wp-content/uploads/2014/08/foreign_students_final.pdf.

2015-16 academic year.[28] The report also assessed that every seven international students supported the creation of approximately three U.S. jobs.[29] Iranian students, the largest contingent of the listed countries, contributed $386 Million to the U.S. economy during the 2015-16 academic year.[30] The barring of international students and scholars from the listed Muslim-majority countries, and the corollary decline in attendance from other international students and scholars, will deny much needed tuition to U.S. colleges and universities and much needed expenditures to the U.S. real estate, transportation, retail, dining, telecommunications, and health insurance sectors.

C. The Executive Order Adversely Impacts American Higher Education's Crucial Role in Building Mutual Cross-Cultural Understanding Which Enhances Friendly Relations Between Nations.

The Executive Order also undermines American higher education's crucial role in building mutual cross-cultural understanding between peoples and nations. When governments have hostile relations, educational exchange and collaboration builds bridges

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[28] NAFSA: Association of International Educators, *NAFSA International Student Economic Value Tool*, NAFSA.org, http://www.nafsa.org/Policy_and_Advocacy/Policy_Resources/Policy_Trends_and_Data/NAFSA_International_Student_Economic_Value_Tool (last visited Sep 15, 2017).

[29] *Id.*

[30] Institute of International Education, *Open Doors Fact Sheet: Iran,* Open Doors Data (2016), http://www.iie.org/Research-and-Insights/Open-Doors/Data/Fact-Sheets-and-Infographics/Leading-Places-of-Origin-Fact-Sheets/2016 (last visited Sep. 15, 2017).

among those countries' citizens and can become the basis for future diplomatic engagement.[31] Among the six countries included in the Executive Order, the United States has hostile relations with the Governments of Syria, Iran and Sudan.[32] The governments that the United States recognizes in Libya, Yemen, and Somalia lack full control over those countries, and the U.S. has strained relations with the competing regimes that seek to overthrow the legally recognized governments.[33]

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[31] Sara Custer, *US State Department Endorses 'Education Diplomacy'*, Pie News (July 10, 2015), https://thepienews.com/news/us-state-department-endorses-education-diplomacy.

[32] Hostile relations between U.S. and Syria, Iran, and Sudan have lasted for decades. *See e.g.,* George Baghadid, *U.S.-Syria Relations: Rollercoaster Diplomacy*, CBS News (May 24, 2010) http://www.cbsnews.com/news/us-syria-relations-rollercoaster-diplomacy (reporting bilateral hostilities with Syria since 2004); BBC, *US-Iran relations: A brief guide* (Nov. 24, 2014) http://www.bbc.com/news/world-middle-east-24316661 (noting the tensions between the U.S. and Iran since the Iranian Revolution and U.S. Embassy-Tehran hostage crisis of 1979); Jeffrey Gettleman, *United States to Lift Sudan Sanctions*, N.Y. Times (Jan 13, 2017) https://www.nytimes.com/2017/01/13/world/africa/sudan-sanctions.html (noting nearly twenty years of hostile relations between the U.S. and Sudan).

[33] Relations have been strained between the U.S. and Libya, Yemen, and Somalia for many years. *See, e.g.*, *US-Libya Relations Contentious During Gadhafi's Leadership*, VOA News (Oct. 19, 2011) http://www.voanews.com/a/us-libya-relations-were-contentious-during-gadhafis-leadership-132260478/146937.html (citing a "rocky" relationship between the U.S. and Libya for four decades); Jackie Northam, *As Yemen's War Worsens, Questions Grow About The U.S. Role*, NPR (Oct. 11, 2016) http://www.npr.org/sections/parallels/2016/10/11/497563923/u-s-reconsiders-support-of-saudi-led-coalition-in-yemen-conflict (describing U.S.-Yemen relations as "increasingly embroiled"); Conor Gaffey, *A Short History of Somali-U.S. Relations*,

It is precisely because of the U.S. government's tensions with the Iranian, Syrian and Sudanese governments, and the U.S. government's opposition to hostile regimes that control wide swaths of Libya, Yemen, and Somalia, that banning educational exchange with students and scholars from these countries is particularly short-sighted. U.S. engagement with these nations' scholars and students can help to build bridges that will lead to improved state to state and citizen to citizen interaction in the future. America has educated world leaders from nations identified in the travel ban. Shukri Ghanem, who served as the Prime Minister to Libya from 2003 to 2006, earned his PhD from the Fletcher School of Law and Diplomacy at Tufts University in Massachusetts.[34] Abdul-Aziz Abdul-Ghani, the former Prime Minister of Yemen, studied political science at Colorado College.[35]

American institutions have helped sculpt the international landscape by educating world leaders and Nobel laureates. Kofi Annan, renowned U.N. Secretary General, completed his undergraduate economics work at Macalester College in St. Paul, Minnesota.[36] Mr. Annan was a joint recipient of the 2001 Nobel Peace Prize, for his work "for a more

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Newsweek (Aug. 10, 2016) http://www.newsweek.com/short-history-somali-us-relations-489125 (noting decades of U.S. military intervention and struggle in Somalia).

[34] U.S. Dep't of State, *Foreign Students Yesterday, World Leaders Today*, https://www.csustan.edu/sites/default/files/OIE/documents/yedterdaysinternationalstudents.pdf (last visited Mar. 24, 2017).

[35] *Id.*

[36] United Nations, *Former Secretary-General: Kofi Annan*, UN.org, https://www.un.org/sg/en/formersg/annan.shtml (last visited Sep. 15, 2017).

peaceful world."[37] Juan Manuel Santos, currently serving as the President of Colombia, earned his BA from University of Kansas and MPA from Harvard.[38] Mr. Santos was the sole recipient of the 2016 Nobel Peace Prize, for his "resolute efforts to bring [Colombia's] more than 50-year-long-civil war to an end."[39]

Further, an American education has had a profound impact on prominent world leaders from Muslim-majority countries. Benazir Bhutto, who served as Prime Minister to Pakistan from 1993 to 1996, was the first woman to head a Muslim-majority nation.[40] She earned her BA in comparative government at Harvard University, later describing the experience as "the very basis for [her] belief in democracy."[41] Former President of Indonesia Susilo Bambang Yudhoyono earned his master's degree at Webster University.[42]

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[37] Nobel Media AB, *The Nobel Peace Prize 2001*, Nobelprize.org, https://www.nobelprize.org/nobel_prizes/peace/laureates/2001 (last visited Sep. 15, 2017).

[38] Monica Lungu, *Where Have the World Leaders Pursued Their Higher Education,* MastersPortal.eu (Apr. 27, 2016), http://www.mastersportal.eu/articles/1724/where-have-the-world-leaders-pursued-their-higher-education.html.

[39] Nobel Media AB, *The Nobel Peace Prize 2016*, Nobelprize.org, http://www.nobelprize.org/nobel_prizes/peace/laureates/2016 (last visited Sep. 15, 2017).

[40] New York Times, *Not Forgotten: Obituaries*, N.Y. Times (June 21, 2016), https://www.nytimes.com/interactive/projects/cp/obituaries/archives/benazir-bhutto.

[41] Harvard Crimson, *Benazir Bhutto '73 Assassinated*, TheCrimson.com (Dec. 27, 2007), http://www.thecrimson.com/article/2007/12/27/benazir-bhutto-73-assassinated-pakistani-opposition.

[42] U.S. Dep't of State, *Foreign Students Yesterday, supra* note 34.

He served as Chairman of the Democratic Party and later as head of the Global Green Growth Institute, an international organization promoting economic growth and environmental sustainability.[43] Former President of Bangladesh Iajuddin Ahmed earned both his masters and PhD at the University of Wisconsin.[44] Numerous high-ranking Afghani officials have sought an American education.[45]

Further, academic institutions play a role in supporting academic freedom and protecting scholars who are agents of change targeted by corrupt regimes in their home countries. For example, Scholars At Risk ("SAR") is an international network of higher education institutions dedicated to protecting scholars and promoting academic freedom around the world. SAR partners with higher education institutions to find temporary assignments for scholars facing grave threats so that their ideas are not lost, and they can

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[43] Global Green Growth, *Press Release: President of Indonesia Yudhoyono announced as next GGGI Assembly President and Council Chair at GGGI Leaders' Gathering*, GGGI.org (Sept. 23, 2014), http://gggi.org/president-of-indonesia-yudhoyono-announced-as-next-gggi-assembly-president-and-council-chair-at-gggi-leaders-gathering.

[44] Bangladesh Ministry of Foreign Affairs, *President's Life Sketch Prof. Dr. Iajuddin Ahmed*, WebArchive.org, https://web.archive.org/web/20070810115053/http://www.mofa.gov.bd/president.htm (last visited Sep. 15, 2017).

[45] *E.g.*, Vice-President Hedayat Amin-Arsala, Southern Illinois University; Minister of Higher Education Amir Shah Hasanyar, Colorado State University; Minister of Transport Enayatullah Qasemi, Baltimore University; Minister of Health Amin Fatemi, Boston University; Ambassador to the United States H. E. Ishaq Shahryar, University of California at Santa Barbara; former Prime Minister Abdul Zahir, Columbia University. U.S. Dep't of State, *Foreign Students Yesterday, supra* note 34.

keep working until conditions improve in their home countries.[46] Since 2000, SAR has provided sanctuary to more than 700 scholars.[47] SAR has supported scholars from throughout the Middle East and Africa, including countries covered on the travel ban – in recent years, Iranian scholars constituted 25% of scholars receiving support from SARS and Syrian scholars comprised 21% of the scholars receiving support.[48] The Executive Order would bar U.S. academic institutions from fulfilling this critical role and from providing crucial support to threatened scholars and students who can become positive change agents in their home countries.

The United States has previously witnessed the impact of a restricted visa policy on institutions of higher education. NAFSA reports that after September 11th, the U.S. experienced successive declines in international student attendance in 2003-2005, following several years of 5-6% international student increases prior to September 11th.[49] In the NAFSA's assessment, the visa restrictions sent a message to

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[46] Scholars at Risk Network, *About*, Scholarsatrisk.org, https://www.scholarsatrisk.org/about (last visited Sep. 15, 2017).

[47] Scholars at Risk Network, *Protection*, Scholarsatrisk.org, https://www.scholarsatrisk.org/protection (last visited Sep. 15, 2017).

[48] Scholars at Risk Network, Getting Involved Handbook, 2 (Apr. 15, 2016), https://www.scholarsatrisk.org/wp-content/uploads/2016/05/Getting_Involved.pdf; *see also* Scholars at Risk Network, *A Future For Syria's Scholars*, Scholarsatrisk.org, https://www.scholarsatrisk.org/a-future-for-syrias-scholars (last visited Sep. 15, 2017).

[49] NAFSA: Association of International Educators, *Restoring U.S. Competitiveness for International Students and Scholars* (June 2006), http://www.nafsa.org/uploadedFiles/NAFSA_home/Resource_Library_Assets/Public_Policy/ restoring_u.s.pdf.

international students that they were not wanted.[50] In this instance, no recent terrorist attack or threat has occurred which warrants this overly restrictive banning of international students and scholars from the designated Muslim-majority countries.

Finally, although the Executive Order includes a waiver provision, the waiver provision is discretionary and provides no assurance that individuals from listed countries will be able to enter the United States to study, teach, or research at a U.S. institutions of higher learning. The relevant waiver provision only permits the entry, on a case-by-case basis and *at the discretion* of consular officers and U.S. Customs and Border Protection officials, of individuals who have previously been admitted to the United States for an extended period of work, study, or other long term activity and they seek to resume that activity.[51] The provision appears only to apply to individuals who were located outside of the United States and had an existing visa at the time that the March 6 Executive Order took effect. For such individuals, the discretionary nature of the waiver provision does not guarantee that they will be able to re-enter the United States to resume their academic study, research or teaching. Further, the waiver provision is unavailable to students and academics who did not have a visa at the time that the Executive Order took effect, effectively barring any new students and scholars hoping to come

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[50] *Id.*

[51] Exec. Order No. 13,780, 82 Fed. Reg. 13,209 § 3(c) (Mar. 6, 2017), https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states.

the United States after March 16, 2017, and during the pendency of the Executive Order.

II. THE EXECUTIVE ORDER INFLICTS IRREPARABLE HARM BY LEGITIMIZING ANTI-MUSLIM SUSPICION AND ANTAGONISM THAT HAS LED TO INCREASED HATE INCIDENTS AND VIOLENCE AGAINST MUSLIM-AMERICAN AND FOREIGN MUSLIM FACULTY, STAFF AND STUDENTS ON UNIVERSITY AND COLLEGE CAMPUSES ACROSS THE COUNTRY.

There has been a rise in hate incidents against Muslim Americans in the United States; particularly on college and university campuses. Unfortunately, the Executive Order reverses the basic principle that discrimination against Muslims is unlawful and an unacceptable cultural norm. The impact of the Executive Order's stigmatizing and legitimating effect on discriminatory societal norms is apparent nationwide and specifically on U.S. university and college campuses with the increase in discrimination and harassment of Muslim students, faculty, and staff.

The travel ban continues a national narrative begun during the Trump presidential campaign that validates discriminatory behavior. Legal norms reinforce cultural norms and community practices. Cultural norms that are legitimized through the law entrench ideas and give community members the "the sense of being natural and part of the way things are or should be."[52] In the United States, progress towards equality has begun within the courts to dismantle

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[52] Muna Ndulo, *African Customary Law, Customs, and Women's Rights*, 18.1 Ind. J. Global Legal Stud. 87, 90 (2011), http://scholarship.law.cornell.edu/facpub/187.

deep discriminatory cultural norms and community practices codified in the law.[53] In anti-discrimination jurisprudence, courts have recognized the legitimating power the law has to reinforce discriminatory norms. Thus, one of the steps in combatting deeply held discriminatory societal norms starts with invalidating discriminatory *de jure* laws.

The Supreme Court case *Korematsu* is an example of an overly broad discriminatory Executive Action, justified on national security grounds, that marks a shameful time in American history. In 1942, the president issued Executive Order No. 9066 pursuant to his national security authority while at war with Japan.[54] This order authorized the president to take "*every possible* protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities." *Korematsu v. United States*, 323 U.S. 214, 217 (1944).

Pursuant to this order, Mr. Korematsu was prosecuted for his failure to follow Exclusion Order No. 34 "which directed that after May 9, 1942, all persons

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[53] *See generally*, *State of Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938) (allowing in-state tuition for African-American students); *Sipuel v. Bd. of Regents of Univ. of Okl.*, 332 U.S. 631 (1948) (allowing African Americans to enroll in law school); *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483 (1954) ("Brown I"), sub nom. *Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955) ("Brown II") (eliminating discrimination in schools based on race); *Loving v. Virginia*, 388 U.S. 1 (1967) (eliminating discrimination in marriage based on race); *Oncale v. Sundowner Offshore Servs.*, Inc., 523 U.S. 75 (1998) (recognizing discrimination in workplace based on same-sex harassment); *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) (extending marital rights to same-sex couples).

[54] National Archives and Records Administration, 7 Fed. Reg. 1407 (Feb. 25, 1942).

of Japanese ancestry should be excluded [from an area in California]." *Id.* at 215–16. The Supreme Court upheld the executive actions as part of the President's authority as Commander In Chief to protect the national security of the country. *Id.*

In Justice Murphy's dissenting opinion, he insightfully mentions:

> This exclusion of "all persons of Japanese ancestry, both alien and non-alien," from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over "the very brink of constitutional power" and falls into the ugly abyss of racism.

Id. at 233. Justice Murphy noted that that group characteristics were not correlated or related to "the dangers of invasion, sabotage and espionage." *Id.* at 239–40. Rather, the Executive Order and Exclusion Order:

> reasons appear, instead, to be largely an accumulation of much of the *misinformation, half-truths and insinuations* that for years have been directed against Japanese Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of the evacuation. A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given the judgments based upon strictly military considerations. Especially is this so when every charge relative to race, religion, culture, geographical location, and legal and economic status has been substantially discredited by

> independent studies made by experts in these matters.

Id. at 239–40. *Korematsu* is instructive to this case in that it is direct evidence of when deep discriminatory cultural norms and community practices are unjustifiably codified into the law based upon *misinformation, half-truths and insinuations* directed at individuals from Muslim-majority countries.

The travel ban continues a narrative that began during the Presidential campaign that validates hate speech and violence against Muslim Americans and International Muslim students in the United States based on misinformation, half-truths, and insinuations. During Trump's Presidential campaign, he made several statements indicating that he intended to implement a Muslim travel ban:

- Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on. Trump declared in December 2015.[55]
- Former Mayor Rudy Giuliani stated "So when (Trump) first announced it, he said, 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.'"[56]

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[55] Donald J. Trump Statement On Preventing Muslim Immigration, (Dec. 2015), https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration (last visited Mar. 27, 2017).

[56] Amy Wang, *Trump asked for a 'Muslim ban,' Giuliani says — and ordered a commission to do it 'legally'*, Washington Post, (Jan. 29 2017), https://www.washingtonpost.com/news/the-fix/wp/2017/01/29/trump-asked-for-a-muslim-ban-giuliani-says-

The Executive Order implements Trump's campaign statements and demonstrates the promulgation of misinformation, half-truths and insinuations about Muslims. These statements adversely impact the diversity and learning environment on university and college campuses and are used to legitimize hate incidents against Muslim Americans.

Researchers at California State University, San Bernardino documented the rise in hate crimes across the country, specifically examining hate crimes against Muslims.[57] "The Federal Bureau of Investigations defines a hate crime as a 'criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender or gender identity.'"[58]

California State University researchers found that the surge in hate crimes against Muslims in the U.S. to be manifold including recent terrorist attacks, divisive political rhetoric, and the political climate which "has taken an extremist ideology into the mainstream of our political machine." [59] Since the election of President Trump, "in the ten days following the election, there were almost 900 reports of harassment and intimidation from across the nation.

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and-ordered-a-commission-to-do-it-legally/?utm_term=.9541ebd63 d8b.

[57] Masood Farivar, *Hate Crimes in US Rising, Particularly in Big Cities*, VOA News (Mar. 09, 2017), http://www.voanews.com/a/us-hate-crimes-rising-particularly-in-big-cities/3756604.html.

[58] *Id.* (citing FBI, *2015 Hate Crime Statistics*, Uniform Crime Reporting, https://ucr.fbi.gov/hate-crime/2015).

[59] Farivar, *supra* note 57.

Many harassers invoked Trump's name during assaults, making it clear that the outbreak of hate stemmed in large part from his electoral success."[60]

The number of hate groups in the United States rose to 917 in 2016 from 892 in 2015. The most dramatic increase was in the number of anti-Muslim hate groups, which jumped to 101 in 2016 from 34 in 2015.[61] "Hate crimes, including attacks against American Jews and Muslims, spiked in several key U.S. cities in 2016, underscoring an upsurge that started during the presidential campaign and has continued unabated, according to data collected by researchers at California State University, San Bernardino."[62]

University and college campuses across the nation have been a common venue for hate incidents.[63] In a study by the Southern Poverty Law Center,[64] the center found that the most common venue for hate incidents was schools—both secondary and higher education institutions.[65] The report found 140 incidents out of 843 of targeted hate incidents since Trump was elected occurred in schools. Further, the

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[60] Southern Poverty Law Center Report, Ten Days After Harassment and Intimidation in the Aftermath of the Election, 4 (Nov. 2016), https://www.splcenter.org/sites/default/files/com_hate_incidents_report_final.pdf.

[61] Farivar, *supra* note 57.

[62] *Id.*

[63] Southern Poverty Law Center Report, *supra* note 60, at 13; Caitlin Dickerson & Stephanie Saul, *Campuses Confront Hostile Acts Against Minorities After Donald Trump's Election*, N.Y. Times, Nov. 10, 2016.

[64] The Southern Poverty Law Center acknowledges that some incidents of hate incidents are falsely reported. Southern Poverty Law Center Report, *supra* note 60.

[65] *Id.* at 5.

report specifically focuses in on the type of discrimination noting that 49 or 6% of incidents nationwide were anti-Muslim hate incidents and 293 or 32% nationwide were anti-immigrant sentiment hate incidents.[66] The report specifically cites that:

> Muslim women wearing hijabs have been particularly vulnerable to threats and assault. Women reported being grabbed by their hijab, including a San Jose State University student who was choked and fell when a man pulled her head scarf from behind in a parking garage.[67]

A narrative of hate against any minority serves to only embolden individuals whose false perceptions are based on discriminatory misinformation. The promulgation of this narrative results in the rise of fear. Other minority groups not specifically targeted have also been subjected to hate incidents. For example, due to a lack of cultural awareness, those espousing hate often mistakenly target non-Muslim minorities (i.e. violence against Sikhs, ostensibly because of turbans). On March 15, 2017, an "Indian-American IT engineer employed by a US company was fatally shot and his Indian colleague wounded by a white man who thought they were Middle Easterners and who was heard telling them to 'get out of my country' at the time of the shooting."[68] Regrettably,

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[66] *Id.* at 7, 10.

[67] *Id.* at 10.

[68] Raj Haldar, *Indian Americans won't be safe as long as the White House is inciting fear*, Washington Post (Mar. 14, 2017), https://www.washingtonpost.com/posteverything/wp/2017/03/14/indian-americans-wont-be-safe-as-long-as-the-white-house-is-inciting-fear/?utm_term=.36316116187e.

these discriminatory incidents against students on campuses are on the rise in the wake of nationwide university efforts to promote diversity and acceptance of cultural differences.[69]

The rise in hate crimes has sparked nationwide campus protests in solidarity with Muslim students and widespread support within campus communities to assuage fears of uncertainty.[70] Muslim students are afraid that the Executive Order and Trump's rhetoric against Muslims has empowered individuals to act on their discriminatory beliefs.[71] The protests supporting Muslims demonstrate that campus communities recognize how disturbing and destructive anti-Muslim rhetoric and hate incidents are to the learning environment which thrives on diversity.

Since the President's Executive Order, college and university campuses across the country have been protesting and issuing statements in opposition to the discriminatory travel in solidarity with Muslim members of the campus communities and the diversity that Muslims bring to academia.[72] The students'

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[69] Dickerson, *supra* note 63 (stating "a year after students at campuses nationwide pushed for greater sensitivity toward cultural differences . . . just last year, a wave of anti-racism protests broke out on campuses across the country. In response, many universities cracked down on students' insensitivity, and some fired school administrators. But this week, students began to worry that all their work was fruitless with Mr. Trump's election success. To many, Mr. Trump is the champion of anti-political correctness and embodies the opposition to "safe spaces").

[70] *Id.*

[71] *Id.*

[72] Samantha Grasso, *NYC students walk out in protest of Trump, DeVos, Muslim ban*, The Daily Dot, (Feb. 7, 2017),

chants demonstrate the rallying behind immigrant communities in statements ranging from "Student solidarity" to "No hate, no fear! Refugees are welcome here!"[73] In addition, the administrators at several universities and colleges have adopted sanctuary policies to protect immigrant students from immigration authorities.[74] The extensive actions taken at institutions of higher education demonstrate the value placed on maintaining diversity and acknowledging the importance of diversity in contributing to an innovative learning environment for scholars, faculty, staff and students on campuses.

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https://www.dailydot.com/irl/nyc-student-walkout-protest-trump-muslim-ban (With painted signs and popular chants, high school and college students rallied at Foley Square in lower Manhattan around noon, denouncing Trump's decisions against banning immigrants from seven Muslim-majority countries.); *see e.g.*, Hannah Natanson & Claire E. Parker, *Faust, Administrators Criticize Immigration Order*, The Harvard Crimson (Jan. 30, 2017), https://www.thecrimson.com/article/2017/1/30/faust-immigration-email (Harvard Students); Alexandra Kurland, *GU Students Protest Trump's Muslim Ban* (Feb. 26, 2017), http://guprogressive.com/gu-students-protest-trumps-muslim-ban (George Washington University students); Joel Brown, *Hundreds Protest Trump's Immigration Ban at Marsh Plaza Rally* (Jan. 31, 2017), https://www.bu.edu/today/2017/rally-against-trump-muslim-immigration-ban (Boston University students); Margaux MacColl, *Students host 'walkout' to protest Muslim Ban* (Feb. 1, 2017), http://www.northbynorthwestern.com/story/students-host-walkout-to-protest-muslim-ban (Northwestern University Students).

[73] Brown, *supra* note 72.

[74] Julia Preston, *Campuses Wary of Offering Sanctuary to Undocumented Students*, N.Y. Times (Jan. 26, 2017), https://y2017/01/26/education/edlife/sanctuary-for-undocumented-students.html?utm_source=AOL&utm_medium=readMore&utm_campaign=partner.

CONCLUSION

For all of the foregoing reasons, the Executive Order irreparably harms Muslim and Muslim-American students and scholars and U.S. institutions of higher education and we encourage the Court to grant Respondents' Request for a nationwide injunction.

Respectfully submitted,

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Amicus Curiae in Support of the Respondents [75]

September 18, 2017

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[75] We are grateful to Jennifer Breaux, Chelsea Daniels, Ashley Beard, Sean McMillon and the members of the Howard University School of Law Muslim Law Students Association for their contributions to this submission. Professor Karla McKanders served as Visiting Professor and Supervising Attorney of the Civil Rights Clinic during the 2017-18 academic year, when she and Professor Johnson co-authored the first iteration of this brief. She is currently at another academic institution and continues to serve as counsel for amici in her personal capacity. The views expressed by Howard University School of Law's Civil Rights Clinic are not necessarily those of Howard University or the School of Law.

APPENDIX

APPENDIX A

Higher Education Association Signatories

American Anthropological Association (AAA) is the world's largest association of professional anthropologists, with 10,000 members. Based in Washington, DC, the Association was founded in 1902. The Association is a 501(c)(3) not-for-profit organization, whose mission is to advance the public understanding of humankind through anthropological research, and to apply this understanding in addressing some of the world's most pressing problems. Our Association's interest in this brief is derived from our longstanding commitment to diversity in the learning environment at institutions of higher education, and to the principles of academic freedom and human rights for all scholars and students, regardless of national origin or religious affiliation.

The American Sociological Association (ASA) is a professional society serving almost 13,000 teachers, scholars, and practitioners of sociology. Founded in 1905, ASA is dedicated to serving sociologists in their work, advancing sociology as a science and profession, and promoting the contributions and use of sociology to society. ASA's interest in this case stems from a recognition that, while scientific progress depends fundamentally on an open exchange of ideas, the Executive Order will have the effect of limiting interaction among scholars. As sociologists, we oppose this Executive Order because it affects our colleagues and students as well as the conditions for knowledge production. In addition, sociologists have documented and analyzed the ways in which symbolic boundaries are made more rigid and result in the social exclusion of specific groups. This Executive Order targeting specific groups of individuals has effects not only on its

immediate victims, but also on how our society understands itself and its orientation toward diversity and human rights.

American Studies Association (ASA) promotes meaningful dialogue about the U.S., across the globe. Our purpose is to support scholars and scholarship committed to original research, innovative and effective teaching, critical thinking, and public discussion and debate. As an organization that has long included scholars addressing U.S. traditions of freedom to practice, or not, religion, and as an organization opposed to both state-enacted and other forms of bigotry, the ASA strongly reproves the recent wave of attacks on synagogues, mosques, and religious community centers in North America and on the Jewish and Muslim people using those institutions. These incidents are heinous in and of themselves, but also indicate the vulnerability of all religious minorities to such hatred, including practitioners of Indigenous traditions and traditions like Sikhism that do not conform to western conventions. American studies scholars have studied the toll taken by nativist religious campaigns, and have shown that at their best U.S. responses to religion and religious differences have actively exceeded mere toleration. They have included mutual defense of the right to hold and act on minority beliefs and to limit the actions of those claiming to express majority opinion, or national character, where religion is concerned. The ASA therefore deplores these contemporary efforts to determine the religious character of the nation, whether by individuals and groups or by the U.S. state. In its efforts to favor the entry of Christian refugees over that of those practicing other religions or no religion, and its attempts to prohibit migration from seven Muslim-majority countries, the U.S. state

not only abrogates the principle of freedom of religion, but also authorizes the current resurgence of violence against Jewish and Muslim people. The ASA stands firmly alongside those groups and individuals who are the targets of religion-based hatred and is committed to working with all groups and individuals seeking to ensure the hospitability of our communities and institutions regardless of religious affiliation.

Association for Slavic, East European, and Eurasian Studies (ASEEES), established in 1948, is a nonprofit, non-political, scholarly society. It is the leading international organization dedicated to the advancement of knowledge about Central Asia, the Caucasus, Russia, and Eastern Europe in regional and global contexts. As the premier membership organization in the world with over 3,000 members, ASEEES supports teaching, research, and publication relating to the study of the region and has cultivated the field's intellectual landscape for over fifty years through its chief publication, Slavic Review, its Annual Convention, its book prizes, and its organizational newsletter. ASEEES also maintains the intellectual vitality of the field by hosting an Annual Convention - an international forum wherein over 2,000 attendees (scholars, professionals, and graduate students—domestic and international) exchange new research and information face-to-face on an annual basis.

The Linguistic Society of America (LSA) is a scholarly professional association dedicated to advancing the scientific study of language. Founded in 1924, the LSA aspires to a world in which the essential nature of language and its central role in human life is well understood. As a science dedicated to the study of human language, linguistics strives to understand the diversity of language and the cultures in which

they are embedded. Immigration restrictions limit the ability of scholars and students to pursue linguistic research which is often transnational. These restrictions have the potential to bring danger and uncertainty to anyone engaged in education and knowledge, especially jeopardizing the ability of US institutions to host international conferences and events, including those related to language and linguistics.

Modern Language Association of America (MLA) was founded in 1883 and provides opportunities for its members to share their scholarly findings and teaching experiences with colleagues and to discuss trends in the academy. MLA is comprised of over 24,000 members in 100 countries. MLA members host an annual convention and other meetings, work with related organizations, and sustain one of the finest publishing programs in the humanities. For more than a century, members have worked to strengthen the study and teaching of language and literature.

The Shakespeare Association of America (SAA) is a non-profit professional organization headquartered in Washington, D.C. and founded on principles of inclusion, open exchange, and mutual respect. The Association holds an annual conference for the advanced academic study of William Shakespeare's plays and poems, his cultural and theatrical contexts, and the many roles these have played in world culture. The distinguishing feature of the SAA conference is its pioneering program of working research seminars. These seminars are incubators for new interpretations, research methodologies, pedagogical strategies, and scholarly publications. The SAA welcomes scholars from all locations and of all professional

standings to meet as equals around its seminar tables. We value the international diversity of our membership and condemn all policies or directives that impede the movement of scholars into and out of the United States.

The Society of American Law Teachers (SALT) joins as a signatory to the Howard University School of Law Civil Rights Clinic's amicus curie brief in support of Respondents International Refugee Assistance Project, et. al. SALT joins this brief as an organization comprised of law professors who have experienced the benefits of diversity first-hand in their teaching, research and scholarship. SALT was founded in 1973; its membership includes law professors, deans, librarians, and administrators from law schools across the country. SALT has been working for more than 40 years to improve the legal profession, the law academy and expand the power of law to underserved communities. SALT engages in work within and beyond the law school to advance social justice.

Scholars At Risk Network (SAR) is an international network of institutions and individuals whose mission it is to protect scholars and promote academic freedom. By arranging temporary academic positions at member universities and colleges, SAR offers safety to scholars facing grave threats, so scholars' ideas are not lost and they can keep working until conditions improve and they are able to return to their home countries. SAR also provides advisory services for scholars and hosts, campaigns for scholars who are imprisoned or silenced in their home countries, monitoring of attacks on higher education communities worldwide, and leadership in deploying new tools and strategies for promoting academic freedom and improving respect for university values everywhere.

APPENDIX B

University Professor Signatories*

Frances Ansley, Professor Emeritus, College of Law Distinguished Professor of Law, University of Tennessee, College of Law

Deborah Archer, Professor, New York Law School

Sahar Aziz, Professor, Rutgers Law School

Angela M. Banks, Professor of Law, Sandra Day O'Connor School of Law, Arizona State University

Jesse Bawa, Assistant Prof. of Lawyering Skills, Howard Law

Rosa Bay, Clinical Lecturer, UC Berkeley School of Law

Dorothea Beane, Professor of Law, Stetson College of Law

Steven Bender, Professor of Law, Seattle University School of Law

Barbara Bernier, Professor of Law, Independent Scholar

Khaled Beydoun, Associate Professor, University of Detroit Mercy School of Law

Richard A. Boswell, Professor of Law & Associate Dean for Global Programs, University of California, Hastings College of Law

Patricia A. Broussard, Professor, Florida A&M University College of Law

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* The above individuals are signing in their individual capacities. Institutions are listed for identification purposes only.

Kristina Campbell, Professor of Law, UDC David A. Clarke School of Law

Kim D. Chanbonpin, Professor of Law, The John Marshall Law School

Kami M. Chavis, Professor, Wake Forest, School of Law

Carol Chomsky, Professor of Law, University of Minnesota

Marisa Cianciarulo, Professor of Law, Chapman University

Patience Crowder, Associate Professor, University of Denver, Sturm College of Law

Benjamin Davis, Professor of Law, University of Toledo College of Law

Richard Delgado, John J. Sparkman Chair of Law, University of Alabama School of Law

Meera E Deo, Associate Professor of Law, Thomas Jefferson School of Law

Jeremi N. Duru, Professor of Law, American University

Maurice R. Dyson, Professor of Law, Thomas Jefferson School of Law

Nancy Ehrenreich, Professor of Law, University of Denver Sturm College of Law

Anthony Paul Farley, James Campbell Matthews Distinguished Professor of Jurisprudence, Albany Law School

Malcolm Feeley, Professor, University of California at Berkeley, School of Law

Susan Gzesh, Senior Lecturer & Exec. Director, Pozen Center for Human Rights, University of Chicago

Justin Hansford, Associate Professor of Law, Howard Law

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Stacy Hawkins, Associate Professor of Law, Rutgers Law School

Lucille Jewel, Associate Professor of Law, University of Tennessee College of Law

Kit Johnson, Associate Professor, University of North Dakota School of Law

José R. Juárez, Jr., Professor of Law, University of Denver Sturm College of Law

Susan L. Kay, Clinical Professor, Vanderbilt Law School

Elizabeth Keyes, Assistant Professor, University of Baltimore School of Law

Margaret B. Kwoka, Associate Professor, University of Denver Sturm College of Law

Prerna Lal, Staff Attorney and Clinical Supervisor, East Bay Community Law Center

Beth Lyon, Clinical Professor of Law and Director Farmworker Legal Assistance Clinic, Cornell Law School

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Tom Romero, II, Associate Professor of Law & Assistant Provost of IE Research & Curricular Initiatives, University of Denver Sturm College of Law

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Valerie Schneider, Associate Professor, Howard University School of Law

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Enid Trucios-Haynes, Professor, University of Louisville, Louis D. Brandeis School of Law

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